

1893-025 Chancery Causes: Thomas S. Ely, ship vs. William D. Moorley &c  
Lee Co.

Duff, Moorley

CA-Debt  
T-Property

-Deed

To the Hon. John A. Kelly Judge of the Circuit  
Court of Lee County Virginia:

Humbly complaining your Orator Thomas  
S. Ely, Sheriff and Commissioner would respectfully show  
unto your Honor. that on the 19<sup>th</sup> day of Jan. 1878  
he obtained a judgment at law by confession in the  
Clerks office of your Honors court. against One Samuel  
H. Duff and William D. Morley for the sum of \$296.32  
with legal interest thereon from the 21<sup>st</sup> day of Feb. 1876.  
till paid, and the costs at law. amounting to \$5.47. and  
a copy of said judgment is herewith filed marked (A)

Your Orator states that on this judgment there has  
been paid the following sums to wit \$150.00 March 27- 1879  
\$25.00 Feb. 4- 1881. and \$25.00 Feb. 21- 1883. and subject to  
these credits the balance of said judgment is now due  
and owing to your Orator. no other or further part thereof  
having at any time been paid thereon by any one.

Your Orator states that the notes on which said judgment  
was obtained were executed Feb. 21. 1876 for the lease price  
of the land of the late Robert Duff, and although more than  
eight years have elapsed, the claim has not yet been paid  
and your Orator in order to enforce payment thereof is  
a second time forced into a Court of equity to obtain his rights  
and the sum justly due him



Your orator states that at the time said judgment was rendered, as well as now, the said William D. Morley was the owner of <sup>an undivided half of</sup> a small tract of land, in which he now lives, lying on the main road, about 19 miles west of Jemison, containing about 100 acres, <sup>more or less</sup> and a copy of the deed by which he acquired this land, is herewith filed marked (B);

Your orator further states that the said Samuel H. Duff lately inherited from his deceased father Robert Duff one undivided sixth part of a tract of land containing 175 acres more or less, lying in said county of Lee, and near the head of Hallens Creek above Stickneyville.

Your orator states that the rents and profits of the lands so owned by the said Morley and said S. H. Duff will not in five years pay the balance due on said judgment. And your orator is advised that said judgment constitutes a valid and subsisting lien on the lands owned by said Morley and said S. H. Duff which it is the province of a court of equity to enforce by decreeing the same to be sold for that purpose, and to obtain that relief is the object of this suit.

Your orator therefore prays that said William D. Morley and Samuel H. Duff be made defendants to this bill, and required to answer the same fully on oath, and upon a hearing of the cause a decree be rendered

in favor of your Orator against them for said judgments  
and costs and the costs of this suit, and that said lands or  
so much thereof as may be necessary to pay the balance  
due on said judgment be decreed to be sold, for the purpose  
and if in any way mistaken in this his special prayer  
then your Orator prays for all general relief: May the  
commonwealth writ of Habeas corpus issue direct &c.

Henry J. Morgan for Plaintiff



6. 76  
 3 1. 00  
 Co l 40  
 A 18. 00  
 23. 16  
 Estimate 6. 7. 05-

Thomas S. Ely & Co.

vs. } Bill to enforce judgment.

William D. Moorley & al

1884 Sept. Bill filed

to the Court & District

Court, O. C. confirmed and

cause set for hearing by Judge

1885 Mr. Court Aug. Dec. 1885

1886 Mr. Court continued

1887 Court 1888 Court

1889 Court 1890 Court

1891 Court 1892 Court

1893 March Decree final.



Thomas S. Ely agent for Poff

vs

Wm. S. Henry & S. H. Duff Defts

} In Chy

On calling this cause at the present Term of this Court, it was announced at the bar by the counsel for the Poff, that the judgment at law, to enforce <sup>the payment of</sup> which this suit was brought had been ~~principally~~ paid, and that new notes for the small balance still due, had been executed, satisfactory to the Poff and that no further action in the cause was necessary. It is therefore agreed and ordered that the parties be hence dismissed and the cause struck from the docket.

Thos. S. Ely, Sheriff admt.

27. } Deum 102 final

W. S. Murray sub

Entered O. B. Page

434.

March 7 1893

J. A. G. Hyatt

Entered thus  
March 7 1893

K. S. K. M.



Thomas S. Ely Shffr.

Peff.

vs.

William D. Morley &c

Defts

} In Chy

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defendants and was argued by counsel:

On consideration of the matters thereof it appears to the Court that the Peffs judgment is such a sum as it will enforce by a sale of so much of the defts real estate as will pay the balance due thereon the costs of this suit, should the same be not paid the plaintiff within 30 days from the rising of the Court: It is therefore adjudged ordered & decreed that the Peffs recover against the defts, the costs of this suit, and that said judgment at law of \$301.79. with legal interest on \$296.32 thereof from Feb. 21 at day of Feb. 1876 till paid, subject to the following credits to wit \$150.00 paid March 27-1879. \$25.00 paid Feb. 14 1881, \$25.00 paid Feb. 21-1883 + \$45.00 paid March 17-1885 and the said costs be enforced by a sale of so much of the defts land as will pay the same, on the following terms to wit The costs of suit and sale and an third part of it due on said judgment shall be paid in cash and as to the residue 6 + 12 months credit is <sup>given</sup> with interest from day of sale and the purchaser is required to give bond with approved security for the deferred payments, said sale shall be made at the front door of the Court house to the highest bidder on some Court day after 30 days notice of the time time & place of sale shall have been given, And Henry J.



Thomas S. Ely Stff v.

cc. } Decem 30 1.

W. D. Money tal

Entered Page 465

J. R. Gibson D.C.

Entered

Ex. 22. K.

Aug 27/83

Morgan is appointed a Special Commissioner to  
execute this decree who before doing so will give bond  
before the clerk of this court with good security <sup>in the penalty of \$400.00</sup> with  
condition to account for all money he may receive  
in this cause & he will report his action to the court  
& the cause is continued;



Virginia

In the clerk's office of the Circuit Court of  
Lee County the 19th day of Jan. 1878.

Thomas S. Ely Sheriff vs.

Deft.

vs.

Deft.

Samuel H. Duff Jas. D. Duff & Wm. D. Moorley Defts

This day came the Deft by his attorney, and  
the defendants Samuel H. Duff and William D.  
Moorley personally appeared before me in my  
office and confessed a judgment against them-  
selves in favor of the Deft for \$296.32 <sup>and of the</sup> ~~the~~ <sup>costs</sup> ~~costs~~  
in the declaration mentioned with legal  
interest thereon from the 21st day of February  
1876 till paid and the costs of this suit. It  
is therefore considered that the Deft recover of  
the defts Samuel H. Duff & William D. Moorley  
said Sum. of \$296.32 with legal interest thereon  
from the 21st day of February 1876 till paid  
and the costs, and an alias Summons is  
awarded against the deft James D. Duff  
And the said Defts S. H. Duff and Wm. D. Moorley  
waived any objection they might make at  
law, to the fact that one of the notes sued on  
does not become due and payable until the  
21st day of February 1878.

A Copy Teste

R. W. Orr Jr. D. Clerk

62.97

2.50

5.47

296.32

301.79



1879 March 27 - By cash of W. Drake \$150.00

1881. Feb. 4 By cash of Duff \$25.00

1883 Feb. 21 st Or By cash \$25.00

1885. March 17. Or By cash \$45.00

(A)

Thomas S. Ely Shff &c

vs { Copy of judgment

S. H. Duff & W. D. Morley

Thos S. Ely Shff &c  
vs { Copy of judgment  
Saml H Duff Jr et al

---



Know all men by these presents, That I  
Marian Thompson of Lee County and  
State of Virginia, for and in consideration  
of the natural love and affection which  
I bear to my two nephews, George W. Morley  
and William D. Morley as well as for the further  
consideration of the sum of one dollar to me in  
hand paid by the said George W. Morley and  
William D. Morley at the sealing of these pres-  
ents the receipt whereof is hereby acknowl-  
edged have granted and by these presents do  
give and grant unto the said George W. Morley  
and William D. Morley their executors ad-  
ministrators and assigns forever all the  
lands I own in Lee County and in the State  
of Virginia and lying on both sides of Indian  
Creek and the main road, it being  
the same land deeded or devised to me  
by my father Jonathan Thompson deceased  
and where I now reside, with all its appur-  
tenances unto the said George W. Morley and  
William D. Morley and their heirs forever  
the said Marian Thompson doth covenant  
to and with the said George W. Morley and  
William D. Morley and their heirs that she,  
the said Marian Thompson will warrant  
the right of the foregoing land generally in  
witness whereof I the said Marian Thompson



have hereunto set my hand and affixed  
my seal the 26<sup>th</sup> day of January 1859.  
Marian<sup>her</sup> X Thompson Seal  
mark

Lee County to wit:

I, Robert M. Bales a Justice of the  
peace for the county of Lee in the State of Virginia  
do hereby certify that Marian Thompson whose  
name is signed to the writing within bearing  
date on the 26<sup>th</sup> day of January 1859, acknowl-  
edged the same before me in my county,  
Given under my hand this 26<sup>th</sup> day of Jan-  
uary 1859.

Robert M. Bales J. P.

Lee County Clerk's office the 12<sup>th</sup> day  
of February 1859.

A deed of gift from Marian Thompson of the  
one part to George W. & Mrs D. Morley of the  
other part, was admitted to record  
upon the certificate of a Justice of this  
County.

H. J. Morgan C. C.

A copy

Teste John R. Gibson Clerk



G. W. & W. D. Morley

From Deed

Mariam Thompson

Book 14 P. 164.

(B.)

Fee for this copy 40¢



# Notice

Thomas S Ely Shff or Peff  
 vs. } In Chy.  
 W D. Morley & S H. Duff jr Defts

Pursuant to a decree of the Circuit Court of Lee County rendered in the above styled cause on the 27th day of August 1885 as a com. thereby appointed. To do so, Will proceed on the first day of the May Term of the County Court for Lee County for the year 1886 at the front door of the Court House, to sell at public auction to the highest bidder the tract of land on which said Morley now lives, and the one undivided sixth part of the <sup>tract of land of the</sup> late Robert Duff dead, which descended to the debt, S H. Duff; or so much thereof as will pay the debt interest and costs of the judgment at law in the bill mentioned, and the costs of this suit; a statement of which will be seen at the foot hereof

At this sale so much cash in hand will be required as will pay the costs of suit and sale, and one third part of the residue of the judgment at law, and as to the remaining two thirds of said judgment, 6 & 12 Months Time will be given with interest from day of sale, and the purchaser required to give bond with approved security for the deferred payments.

April the 8<sup>th</sup> 1886

Henry J. Morgan Comr.

Bal of Judgt due plff after credits to May the 18<sup>th</sup> 86 \$198.20

Add for costs of this suit	23 16
Estimated costs -	2 00
Add for Commission on Sale	<u>11 16</u>

Total \$ 234.52

The bond required by law to be executed by Comr. Morgan has been given by J D. Morgan as security filed in the cause

J A. S. Hyatt & c



Thos S Ely diffon

as } Advertisement - Cont

S H Duff & al



J. S. Ely Jud. or. Duff & Howley due Feb. 21-1876 for 296 32

Interest on Same to March 27-1879 55 11

Add for costs of Suit Judgt. confid. 5 47  
356 90

Credit March 27-1879 By cash of Martin Drake 150 00  
206 90

Interest on Same to Feb. 4-1881 23 01  
229 91

Credit Feb. 4-1881 by cash of J. D. Duff 25 00  
204 91

Interest on Same to Feb. 21-1883 24 83  
229 74

Credit Feb. 21-1883 By cash of J. D. Duff 25 00  
204 74

Interest on Same to March 17-1885 25 50  
230 24

Credit March 17 1885 By cash 45 00  
185 24

Interest on Same to May the 15 1886 12 96

Add for costs of Suit \$23.16 Estimated 2.00 25 16

" " 5 per cent commission 11 16  
234 52

Or May 1 1886 By cash \$80.00 + \$15.00 May 20 1886 95 00  
189 52

Thomas S. Ely *stiff* *re*

(vs.)

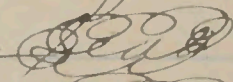
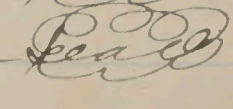
Wm. D. Morley & S. H. Duff

Calculation *re*



Know all men by these presents that  
we Henry J. Morgan and Jas D. Morgan  
are held and firmly bound unto  
the Commonwealth of Virginia in  
the just and full sum of \$400.00  
to the payment whereof, well and truly  
to be made to the said Commonwealth,  
we bind ourselves heirs &c, jointly  
and severally, firmly by these presents  
and we as to this bond waive our  
homestead Exemptions witness  
our hands and seals this the 19<sup>th</sup>  
day of Sep. 1885.

The condition of the above obligation  
is such that whereas the above bound  
H. J. Morgan was appointed a special  
Commissioner, by a decree rendered in the  
Chancery cause of Thos. S. Ely vs Wm. D.  
Morley et al to <sup>rent</sup> ~~sell~~ certain lands mentioned  
in said bill. Now therefore if the  
above bound H. J. Morgan, shall faithfully  
the duties as required, and truly  
account for such sum of money as  
he may receive then this obligation to  
be void otherwise to remain in full force,  
and virtue.

Henry J. Morgan   
Jas D. Morgan 



Thos. S. Ely  
vs  $\frac{1}{2}$  Courts Bond  
Wm. L. Morely et al

---

Filed Sept. 19<sup>th</sup> 1885.  
J. A. Hyatt



# The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

*Wm. D. Marley and*  
*S. B. Duff*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in  
*October* next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against  
*them*, by *Thomas S. Ely Sheriff & Commissioner &c*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,  
this *24<sup>th</sup>* day of *September*, 1884, in the 10<sup>9</sup> year of the Commonwealth.

*J. A. G. Hyatt*, Clerk.

A Copy---Teste :



Theo. S. Ely Sheriff Town  
 no 3 Spain in Chay

Wm. D. Moreley et al

October Rules 1884

Executed by deliver-  
 ing an office  
 copy of this Spain  
 in Chay to Wm. D.  
 Moreley and J. H.  
 Duff - October 4 1884  
 J. H. Ewing & S.  
 for R. D. Flanagan  
 S. L. C.